

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-54655-2022 (O & M)****Date of decision: 01.12.2022**

Chander Bhan

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Rajpal Singh Chauhan, Advocate,
for the petitioner.

Ms. Ramta Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.0067 dated 16.06.2022 under Sections 327, 347, 365, 387, 34, 120-B IPC and Sections 323 and 328 IPC (added later on) registered at Police Station Satnampura, District Kapurthala.

2. The present FIR came to be registered at the instance of Radhika Prasad Tripathi, who stated that he was the age of 72 years and worked as a Palmist. On 13.06.2022, Amandeep Kaur (since granted bail vide order dated 31.10.2022 passed in CRM-M-49144-2022), wife of Baldev Singh and Ramandeep Sharma @ Ramanjit Sharma (since granted bail vide order dated 10.10.2022 in CRM-M-38858-2022) wife of Vipin Sharma came to meet him and stated that they had to perform a religious function at home in order to remove a bad omen. On this pretext, he was brought to

their home where they also called Chander Bhan son of Jiwan Lal (petitioner). They forcibly removed his clothes and both the ladies also removed their clothes and Chander Bhan (the present petitioner) made his video alongwith the two ladies. He was also given beatings and two gold rings worn by him alongwith two silver rings were taken away. A watch was also taken away by them and a demand of Rs. 30 lacs as ransom was sought. Thereafter, he was dropped at Aahadiyabad Chowk. These three persons were repeatedly calling Rajiv Sharma (since granted bail vide order dated 10.10.2022 passed by this Court in CRM-M-33109-2022) on phone and were acting on his dictates. Thereafter, he had also gone to the house of Ramandeep Sharma alongwith Rs.50,000/- where the three persons asked him to bring the remaining money, pursuant to which, he lodged the instant complaint.

3. The learned counsel for the petitioner-Chander Bhan contends that a false case has been registered against the petitioner and he has nothing to do with the commission of the alleged offence. Nothing was recovered from him and there is no direct or indirect evidence against him. His co-accused, namely, Rajiv Sharma, Ramandeep Sharma @ Ramanjit Sharma and Amandeep Kaur have been granted the concession of bail by this Court vide orders dated 10.10.2022 passed in CRM-M-33109-2022, CRM-M-38858-2022 and order dated 31.10.2022 in CRM-M-49144-2022. The petitioner is in custody since 16.06.2022 and is a first-time offender. The investigation is complete and a number of prosecution witnesses are yet to be examined. He, thus, contends that the petitioner be granted the concession of bail.

4. The learned counsel for the State, on the other hand, contends

that the petitioner does not deserve the concession of bail looking at the

seriousness of the allegation. He, however, does not deny the period of custody undergone by the petitioner as also the stage of the Trial and the fact that the co-accused of the petitioner, namely, Rajiv Sharma and Ramandeep Sharma @ Ramanjit Sharma have been granted the concession of bail vide order dated 10.10.2022 passed by this Court in CRM-M-Nos. 33109 and 38858 of 2022 respectively and co-accused Amandeep Kaur has been granted the concession of regular bail by this Court vide order dated 31.10.2022 passed in CRM-M-49144-2022.

5. I have heard the learned counsel for the parties at length.

6. Admittedly, the petitioner is in custody since 16.06.2022. The challan was submitted on 08.08.2022 and none of the 11 prosecution witnesses have been examined so far. The co-accused of the petitioner have been granted the concession of bail. Besides, the petitioner is a first-time offender and no other FIR stands registered against him.. Therefore, his further incarceration is not required.

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Chander Bhan, is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

(JASJIT SINGH BEDI)
JUDGE

December 01, 2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No